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Attorney for Roy Phillips

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

V.

ROY PHILLIPS,

Defendant.

Case No. 2:19-mj-495-BNW

**STIPULATION TO CONTINUE
BENCH TRIAL**

(First Request)

IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A. Trutanich, United States Attorney, and Rachel Kent, Special Assistant United States Attorney, counsel for the United States of America, and Rene L. Valladares, Federal Public Defender, and Andrew Wong, Assistant Federal Public Defender, counsel for Roy Phillips, that the bench trial currently scheduled on July 31, 2019, at the hour of 8:30 a.m., be vacated and set to a date and time convenient to this Court, but no sooner than sixty (60) days.

This Stipulation is entered into for the following reasons:

1. Counsel for the defendant needs the additional time to review, investigate, and discuss the case with Mr. Phillips.

2. The defendant is not in custody and does not oppose a continuance.

1 3. Additionally, denial of this request for continuance could result in a miscarriage
2 of justice. The additional time requested by this Stipulation is excludable in computing the time
3 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
4 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code
5 §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

6 This is the first request for a continuance of the bench trial.

7 DATED this 22nd day of July, 2019.

8
9 RENE L. VALLADARES
10 Federal Public Defender

NICHOLAS A. TRUTANICH
United States Attorney

11 */s/ Andrew Wong*
12 By _____
13 ANDREW WONG
14 Assistant Federal Public Defender

15 */s/ Rachel Kent*
16 By _____
17 RACHEL KENT
18 Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

V.

ROY PHILLIPS,

Defendant.

Case No. 2:19-mj-495-BNW

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER**

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Counsel for the defendant needs the additional time to review, investigate, and discuss the case with Mr. Phillips.

2. The defendant is not in custody and does not oppose a continuance.

3. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, title 18, United States Code, Section 3161(h)(7)(A), when considering the facts under Title 18, United States Code, §§ 316(h)(7)(B) and 3161(h)(7)(B)(iv).

ORDER

IT IS THEREFORE ORDERED that the bench trial currently scheduled on Wednesday, July 31, 2019 at 8:30 a.m., be vacated and continued to October 2, 2019, at 8:30 a.m.

DATED this 22nd day of July, 2019.

Berlweker
UNITED STATES MAGISTRATE JUDGE